

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:08-cr-00064-JCM-EJY

Plaintiff,

V.

STEVEN GRIMM,

ORDER

Defendant.

10 Pending before the Court is the Government's Motion for Leave to File Sealed Exhibit. ECF
11 No. 881. Through the Motion, the Government seeks to seal medical records that are private and
12 confidential. *Id.*

13 Years ago, the Ninth Circuit established a strong presumption of public access to judicial
14 records. *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Foltz v. State Farm*
15 *Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). A party seeking to file documents under
16 seal bears the burden of overcoming that presumption. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665,
17 678 (9th Cir. 2010) (quoting *Kamakana*, 447 F.3d at 1178). To overcome the presumption when a
18 dispositive motion is at issue, the moving party must demonstrate a compelling reason that supports
19 maintaining the secret nature of the documents. *Kamakana*, 447 F.3d at 1180. The compelling
20 reason must outweigh the public's interest in having access to the judicial records and in
21 understanding the judicial process. *Id.* at 1178-79. Medical privacy has qualified as a "compelling
22 reason," for sealing records. *San Ramon Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, 2011
23 WL 89931, at n.1 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, 2010 WL
24 4715793, at *1-2 (D. HI. Nov. 15, 2010).

25 Here, the government establishes a compelling reason to seal Exhibit A containing medical
26 records. There is no reason for these records to be accessible to the public at large.

1 Accordingly, IT IS HEREBY ORDERED that the Government's Motion for Leave to File
2 Sealed Exhibit, ECF No. 881, is GRANTED.

3 IT IS FURTHER ORDERED that the government's Exhibit A (ECF No. 882) shall be and
4 remain sealed.

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6 Dated this 17th day of June, 2022.

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8 Elayna J. Youchah
9 UNITED STATES MAGISTRATE JUDGE

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